

REMARKS/ARGUMENTS

Claims 1 and 2 are pending and have been rejected under 35 U.S.C. § 102(e) over Hutchinson, IV et al., U.S. Patent No. 6,449,476.

By this Amendment, Applicant amends the title of the invention to be more descriptive. M.P.E.P. § 606. Applicant also makes a minor amendment to the specification to provide antecedent basis for language contained in the newly submitted claims. Applicant has further canceled claims 1 and 2, and added new claims 3-12.

In paragraph 1 of the Office Action, claims 1 and 2 have been rejected under 35 U.S.C. § 102(e) over Hutchinson, IV et al. The rejections of claims 1 and 2 are moot as these claims have been canceled. To the extent that these rejections could be applied to new claims 3-12, Applicant respectfully traverses for the following reasons.

Among the limitations of claim 3 of the present invention nowhere disclosed in Hutchinson, IV et al. is a portable telephone in which a bug in the main program thereof can be corrected wherein a patch has been loaded into a volatile memory of the telephone, and further requiring “means for copying the patch into the volatile memory to create a backup patch to be stored in the read only memory.” Hutchinson nowhere shows a backup patch copied into the volatile memory, which patch is to be stored in read only memory, as required in claim 3. Claim 3 is thus patentable over Hutchinson, IV et al. and is in a condition for allowance.

Claims 4-7 depend from claim 3 and include all of the limitations therein. These claims recite added limitations which, in combination with the limitations of claim 3, are not disclosed in the art of record. Accordingly, claims 4-7 are believed to be in a condition for allowance.

Further, among the limitations of claim 8 of the present invention nowhere disclosed in Hutchinson, IV et al. is a portable telephone in which a bug in the main program

stored in the read only memory thereof can be corrected wherein a patch is copied into the volatile memory of a portable telephone, and further requiring "means for copying the patch into the volatile memory to create a backup patch, the backup patch being used to correct the bug in the read only memory." Hutchison nowhere shows a backup patch copied into the volatile memory, which patch is used to correct the bug in the read only memory, as required in claim 8. Claim 8 is thus patentable over Hutchison, IV et al. and is in a condition for allowance.

Further, among the limitations of claim 9 of the present invention nowhere disclosed in Hutchison, IV et al. is a portable telephone in which a bug in the main program thereof can be corrected wherein a patch is copied into the volatile memory to create a backup patch, and "substituting at least a portion of the main program stored in the read only memory of the telephone with the backup patch." Hutchison nowhere shows a backup patch copied into the volatile memory and substituting at least a portion of the main program stored in the read only memory of the telephone with the backup patch, as required in claim 9. Claim 9 is thus patentable over Hutchison, IV et al. and is in a condition for allowance.

Claims 10-12 depend from claim 9 and include all of the limitations therein. These claims recite added limitations which, in combination with the limitations of claim 9, are not disclosed in the art of record. Accordingly, claims 10-12 are believed to be in a condition for allowance.

In view of the foregoing, consideration and allowance of the application is earnestly solicited.

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Respectfully submitted,

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